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PATENT  
Attorney Docket 061834-5032-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Alvarez et al.**

Application No. 09/079,819 ✓

Filed: May 15, 1998

For: **Random peptides that bind to gastro-intestinal tract (GIT) transport receptors and related methods**

Group Art Unit: 1654

Examiner: **Roy Teller**

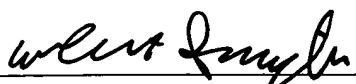
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TRANSMITTAL FORM

1. Transmitted herewith is a Submission of Previously Filed Documents.
2. Additional Papers Submitted:
  - (i) copy of substitute specification (298 pages);
  - (ii) marked-up copy of substitute specification (298 pages);
  - (iii) copy of return receipt postcard with May 3, 2000 date stamp.
3. Constructive Petition: **Except** for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or to credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **August 24, 2005**  
Morgan, Lewis & Bockius LLP  
Customer No. 09629  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
202-739-3000

Respectfully submitted,  
**Morgan, Lewis & Bockius LLP**

  
Robert Smyth, Ph.D.  
Registration No. 50,801



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**SUBMISSION OF PREVIOUSLY FILED DOCUMENTS**

Pursuant to a request by the Examiner's supervisor in a telephone conference with Applicants' agent on July 27, 2005, attached are additional copies of the substitute specification and marked-up copy of the substitute specification previously filed on May 3, 2000 in the above-referenced application. These documents were not entered by the Examiner and subsequently lost by the U.S. Patent Office through no fault of the Applicants.

As the Issue Fee for this application was submitted on December 15, 2003, Applicants respectfully request prompt issuance of the Letters Patent. Due to the delay in patent issuance, Applicants expect a patent term extension of at least 495 days, which represents the period of time from four months subsequent to payment of the issue fee to the present date. Applicants note however that the actual patent term should be longer (from April 15, 2004 to date of issue) but given that the issue date is not yet certain, the actual term extension cannot be calculated. Applicants are not submitting any fee under 37 C.F.R. 1.705(b)(1) as this is not a petition for patent term extension. Rather, Applicants request that the applicable term extension be calculated by the U.S. Patent Office under 35 U.S.C. 154(b)(1)(A)(iv) and a subsequent Notice of Patent Term Extension be issued.

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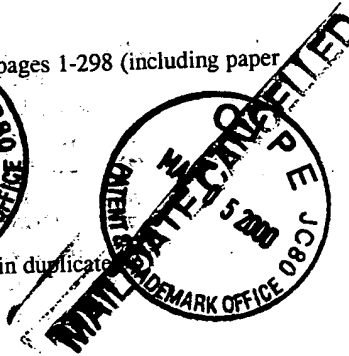
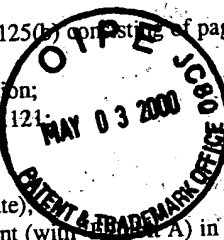
  
Robert Smyth  
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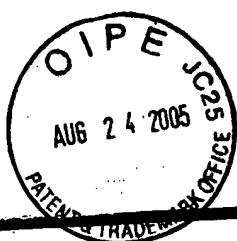
Express Mail No. EL 501 632 529 US First Class Mail ( )  
Date Mailed: May 3, 2000  
Serial No.: 09/079,819 Filed: May 15, 1998  
Inventor: ALVAREZ et al.  
FOR: RANDOM PEPTIDES THAT BIND TO GASTRO-INTESTINAL TRACT (GIT) TRANSPORT RECEPTORS AND RELATED METHODS.  
The stamp of the Patent Office hereon may be taken as an acknowledgment of the date stamped of the following:

- (X) Provisional Election Under 37 C.F.R. § 1.143 with Traverse and Amendment Under 37 C.F.R. § 1.111;
- (X) Petition for Extension of Time;
- (X) Substitute Specification Under 37 C.F.R. § 1.125(b) consisting of pages 1-298 (including paper copy of Sequence Listing);
- (X) Compare-Rite Version of Substitute Specification;
- (X) Amendment to Drawings Under 37 C.F.R. § 1.121;
- (X) Computer Disk Containing Sequence Listing;
- (X) Transmittal of Sequence Listing;
- (X) Amendment Fee Transmittal Sheet (in duplicate);
- (X) Supplemental Information Disclosure Statement (with Exhibit A) in duplicate;
- (X) List of References Cited; and
- (X) Copy of Reference BM.

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Express Mail No. EL 501 632 529 USDate Mailed: May 3, 2000Serial No.: 09/079,819Filed: May 15, 1998Inventor: ALVAREZ et al.FOR: RANDOM PEPTIDES THAT BIND TO GASTRO-INTESTINAL TRACT (GIT) TRANSPORT RECEPTORS AND RELATED METHODS

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- (X) List of References Cited; and
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